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Hon. David C. Joseph
United States District Judge
800 Lafayette St., Suite 4700
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RE: Waylon Bailey v. Randell Iles, et al
USDC; Western District of Louisiana; Alexandria
Civil Action No. 1:20-cv-01211
LSLEP: 90.5434
File No. 20-3606.284

Dear Judge Joseph:

In our recent telephone conference I mentioned that Stokes v. Faber, 522 F. Supp. 3d. 225 (E.D. La. 02/10/21), a case that the Defendants heavily relied upon in support of their Motion for Summary Judgment, had been affirmed on appeal by the Fifth Circuit, Stokes v. Matranga, 2022 WL 1153125 (5th Cir. 05/19/2022). Additionally, Stokes v. Faber was also cited in opposition to Bailey's Motion for Partial Summary Judgment. It is submitted that the Fifth Circuit opinion in Stokes v. Matranga, supra, leads to the grant of the Motion for Summary Judgment filed by the Defendants and the denial of the Motion for Partial Summary Judgment by Plaintiff.

In Stokes v. Matranga, the plaintiff advanced two arguments:

- 1) Sgt. Matranga violated his Fourth Amendment rights by twice arresting him without probable cause; and
- 2) Sgt. Matranga was not entitled to qualified immunity.

After considering the above listed arguments, the grant of the motion for summary judgment filed by Sergeant Matranga was affirmed by the Fifth Circuit as follows:

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More importantly, Betancourt does not even attempt to identify a single case where a court found that an officer violated the Fourth Amendment in similar circumstances. Nor has this court's research revealed any such case. It is not enough to merely invoke the general prohibition on arrests without probable cause. See Vincent v. City of Sulphur, 805 F.3d 543, 547 (5th Cir. 2015) ("Abstract or general statements of legal principle untethered to analogous or near-analogous facts are not sufficient to establish a right 'clearly' in a given context; rather, the inquiry must focus on whether a right is clearly established as to the specific facts of the case.") (citation omitted). Thus, Betancourt has not satisfied his burden to overcome the qualified immunity defense. We AFFIRM. Stokes v. Matranga, at pg. 4.

The Fifth Circuit did not determine whether there was probable cause to make an arrest but, instead, looked to the second prong of the qualified immunity analysis and found that the plaintiff could not identify a case where an officer acting under similar circumstances was found to have violated the Fourth Amendment. Stokes v. Matranga, at pg. 2. Thus, qualified immunity was granted. It is interesting to note that the dissenting judge would have reversed the finding of qualified immunity grant by the district court using a very similar analysis as the one presented by Bailey in his Opposition to Motion for Summary Judgment.

Based upon both the district court decision in Stokes v. Faber, and the affirmation of the grant of summary judgment based upon qualified immunity in Stokes v. Matranga, supra, it is submitted that Iles is entitled to qualified immunity for all federal claims.

With kind regards, I remain,

Sincerely,

PROVOSTY, SADLER, & deLAUNAY, APC



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HBC:mm

enclosure

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